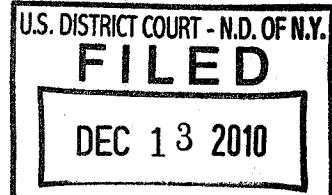


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

Troy Smith )  
Plaintiff(s) )  
vs. )  
Officer C. ROSATI )  
Officer C. ST JOHN )  
Cplm. BRIAN FISCHER Defendant(s) )  
INMATE O'CLOCK \_\_\_\_\_  
Lawrence K. Baerman, Clerk - Syracuse  
CIVIL RULING  
COMPLAINT PURSUANT  
PURSUANT TO  
42 U.S.C. § 1983  
Case No. 9: CV \_\_\_\_\_

Plaintiff(s) demand(s) a trial by:  JURY \_\_\_\_\_ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

## JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

## PARTIES

2. Plaintiff: Troy Smith  
Address: AUBURN CORP. FAC.  
P.O. BOX 618  
AUBURN, NEW YORK 13024

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: C. ROSATI  
Official Position: CORR. OFFICER  
Address: Great Meadow CORP. FAC.  
BOX 51  
COMSTOCK, N.Y. 12821

b. Defendant: C. St John  
Official Position: CORR. OFFICER  
Address: Great Meadow CORR. FAC.  
RDX 51  
Comstock, N.Y. 12821

c. Defendant: BRIAN FISCHER  
Official Position: COMMISSIONER OF CORRECTION  
Address: Department of Correctional Services State  
Office Bldg Campus 1220 Washington Ave  
Albany, N.Y. 12224

Additional Defendants may be added on a separate sheet of paper.

4. PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes  No

b. If your answer to 4a is YES, did you present the facts relating to your complaint in this grievance program?

Yes  No

If your answer to 4b is YES,

(i) What steps did you take? I FILED A GRIEVANCE

(ii) What was the final result of your grievance? Appeal was

denied

This is A Add on to Jurisdiction Defendants

D. Defendant - John DOG

Official position- CORR. OFFICER

Address - Great meadow CORR. FAC  
Comstock, N.Y. 12821

E. Defendant - John DOE

Official position- CORR. OFFICER

Address - Great meadow CORR. FAC  
Comstock, N.Y. 12821

F. Defendant - John DOG

Official position- CORR. OFFICER

Address - Great meadow CORR. FAC  
Comstock, N.Y. 12821

If your answer to 4b is NO - why did you choose to not present the facts relating to your complaint in the prison's grievance program? \_\_\_\_\_

---

---

c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to 4c is YES,

(i) What steps did you take? \_\_\_\_\_

---

---

(ii) What was the final result regarding your complaint? \_\_\_\_\_

---

---

If your answer to 4c is NO - why did you choose to not complain about the facts relating to your complaint in such prison? \_\_\_\_\_

---

---

## 5. PREVIOUS LAWSUITS

a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

\_\_\_\_\_ Yes \_\_\_\_\_ No

b. If your answer to 5a is YES you must describe any and all lawsuits, currently pending or closed, in the space provided below.

For EACH lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): \_\_\_\_\_

ii. Court (if federal court, name District; if state court, name County): \_\_\_\_\_

iii. Docket number: \_\_\_\_\_

iv. Name of Judge to whom case was assigned: \_\_\_\_\_

v. Disposition (dismissed? on appeal? currently pending?): \_\_\_\_\_

vi. Approximate date of filing prior lawsuit: \_\_\_\_\_

vii. Approximate date of disposition: \_\_\_\_\_

6.

## FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).**

See Attached papers

7.

## CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

### FIRST CAUSE OF ACTION

officers delayed me from making it to my tier III hearing and that violated my right of Due process, which constitute violation of my 14<sup>th</sup> Amendment right of the United States Constitution Right.

---

### SECOND CAUSE OF ACTION

Do to the action of the above cited defendants of inflicting bodily harm unprovoked and unwarned by plaintiff would constitute violation of the plaintiff 8<sup>th</sup> Amendment Right of the United States Constitution

---

### THIRD CAUSE OF ACTION

Also due to the action of the above cited defendants cause the plaintiff to suffer and/or endure retaliation Retaliatory action of security staff which constitute violation of the plaintiff 1<sup>st</sup> and 14<sup>th</sup> amendment rights of the United States Constitution

---

## Fourth CAUSE of ACTION

### INJURIES

I now suffer with nightmares of being assaulted by CO's correction officers. I am afraid of walking ANYwhere and being accosted by correction officers (CO's) that's waiting to assault me. ON top of my Bi-Polar diagnosis.

I have become PARANOID. The defendants, acted in a manner as to cause the Plaintiff Severe Emotional distress, Pain and suffering, INTENTIONAL affliction of Emotional Distress, Post Traumatic Stress Disorder, as a result of being ASSAULTED and not being able to do anything to protect myself.

Physically, as a result of being ASSAULTED. I have blurred vision in my left eye, can't hear good out of my right ear, Severe pain in my head, left shoulder and lower back AND the HUMILIATION, the embarrassment. The officers caused me and the flash backs remain forever. Even today when i see officers I am fearful of being ASSAULTED.

The officers see that i have A misbehavior Report in my records. And the see it's for assaulting three fellow officer. I'm Subjected to be retaliated on. So now i fear for my safety.

8. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Plaintiff would request the sum of 2.5 million dollars in compensatory damages and also the sum of 2.5 million dollars in punitive damages and emotional damages. AND OF what ever the courts deem just and proper

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 12/30/2010

John Smith

Signature of Plaintiff(s)  
(all Plaintiffs must sign)

02/2010